

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah, in the interest	)	MEMORANDUM DECISION
of T.C., J.C., J.C., and A.C.,	)	(Not For Official Publication)
children under eighteen years	)	
of age.	)	Case No. 20060127-CA
_____	)	
A.C.,	)	F I L E D
	)	(May 4, 2006)
Appellant,	)	2006 UT App 185
	)	
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

-----

Third District Juvenile, West Jordan Department, 450334  
The Honorable Christine Decker

Attorneys: Judith L.C. Ledkins, Salt Lake City, for Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce and Kaela Jackson, Salt Lake City,  
Guardians Ad Litem

-----

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

A.C. (Mother) appeals the juvenile court's termination of  
her parental rights in her children. We affirm.

Mother asserts that the Division of Child and Family  
Services (DCFS) did not provide reasonable services, that the  
juvenile court erroneously found that Mother had not internalized  
domestic violence counseling, and that the juvenile court  
improperly considered at trial findings made at the permanency  
hearing. Mother has waived these issues, however, by failing to  
raise them at trial in the juvenile court.<sup>1</sup> Appellate courts

---

<sup>1</sup>To the extent that Mother seeks to reach back to the  
permanency hearing to raise these issues, she has failed to  
(continued...)

generally will not address issues raised for the first time on appeal. See In re E.R., 2001 UT App 66, ¶9, 21 P.3d 680. Mother failed to appear at trial and, thus, did not offer any testimony regarding the issues raised in her petition, nor did she raise them in any other way at trial. Additionally, when the findings from the permanency hearing were offered as evidence, Mother's counsel affirmatively stated there was no objection. Thus, that issue was specifically waived.

Mother also asserts that the evidence was insufficient to support termination of her parental rights. A juvenile court's findings of fact will not be overturned unless clearly erroneous. See id. at ¶11. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as the ability to judge credibility firsthand. See id. So, in reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118.

Additionally, pursuant to Utah Code section 78-3a-407, the finding of any single ground is sufficient to warrant termination of parental rights. See Utah Code Ann. § 78-3a-407(1) (Supp. 2005) (providing that the court may terminate parental rights if it finds any one of the grounds listed); In re F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (mem.) (noting any single ground is sufficient to terminate parental rights). As a result, if there is sufficient evidence to support any one of the grounds for termination found by the juvenile court, the termination of Mother's rights is appropriate.

The juvenile court found grounds for termination pursuant to Utah Code section 78-3a-407(1)(e), providing for termination based on a failure of parental adjustment. See Utah Code Ann. § 78-3a-407(1)(e). Failure of parental adjustment means that a parent is "unable or unwilling within a reasonable time to substantially correct the circumstances, conduct, or conditions

---

<sup>1</sup>(...continued)  
provide an adequate record for review. A transcript of the trial has been provided, but no transcript from the permanency hearings has been provided. With a record inadequate to review permanency hearing issues, we must presume the regularity of the proceedings. See State v. Miller, 718 P.2d 403, 405 (Utah 1986) (per curiam).

that led" to an out-of-home placement of a child, notwithstanding reasonable efforts of DCFS to return the child home. Utah Code Ann. § 78-3a-403(2) (2002). Although the failure to comply with a service plan is not itself a ground for termination, see id. § 78-3a-407(2), such a failure to comply "is evidence of failure of parental adjustment," id. § 78-3a-408(5) (Supp. 2005).

Mother failed to complete key elements of her service plans. She was terminated from multiple programs, missed various drug tests, and did not complete drug treatment or peer parenting. Although she did complete a domestic violence course, the evidence shows that she did not internalize the lessons because she repeatedly contacted the children's father, even in violation of a court order. This evidence came in without objection at trial and stood uncontroverted because Mother did not appear to testify and dispute any evidence. In addition, the evidence supports the juvenile court's finding that DCFS provided reasonable efforts to return the children home, based on the services offered over the course of more than one year. The same issues that led to the removal of the children remained at the time of the termination trial. As a result, the juvenile court did not err in terminating Mother's parental rights.

Affirmed.

---

James Z. Davis, Judge

---

Carolyn B. McHugh, Judge

---

Gregory K. Orme, Judge